

## **TOWN PLANNING BOARD**

### **Minutes of 423rd Meeting of the Metro Planning Committee held at 9:00 a.m. on 30.7.2010**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. K.Y. Leung

Vice-chairman

Ms. Maggie M.K. Chan

Mr. Raymond Y.M. Chan

Mr. Felix W. Fong

Mr. Maurice W.M. Lee

Professor C.M. Hui

Ms. Julia M.K. Lau

Mr. Clarence W.C. Leung

Mr. Laurence L.J. Li

Mr. Roger K.H. Luk

Ms. L.P. Yau

Assistant Commissioner for Transport (Urban),  
Transport Department  
Mr. Anthony Loo

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr. Sam Wong

Assistant Director/Kowloon, Lands Department  
Ms. Olga Lam

Deputy Director of Planning/District  
Mr. Lau Sing

Secretary

**Absent with Apologies**

Dr. Winnie S.M. Tang

Professor P.P. Ho

Professor Joseph H.W. Lee

Professor S.C. WONG

Assistant Director(2), Home Affairs Department  
Mr. Andrew Tsang

**In Attendance**

Assistant Director of Planning/Board  
Miss H.Y. Chu

Chief Town Planner/Town Planning Board  
Ms. Christine K.C. Tse

Town Planner/Town Planning Board  
Mr. Terence Leung

**Agenda Item 1**

Confirmation of the Draft Minutes of the 422nd MPC Meeting held on 16.7.2010

[Open Meeting]

1. The draft minutes of the 422nd MPC meeting held on 16.7.2010 were confirmed without amendments.

[Mr. Raymond Chan and Ms. Julia Lau arrived to join the meeting at this point.]

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) New Town Planning Appeal Received

2. The Secretary reported that the Appeal Board Panel (Town Planning) had received a Notice of Appeal dated 10.7.2010 against the decision of the Town Planning Board (TPB) on 30.4.2010 in relation to the section 17 review of Application No. A/YL-NSW/189 for a proposed temporary container tractor/trailer park for a period of 3 years at a site zoned “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” (“OU(CDWRA)”) on the approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8.

3. The application was rejected by the TPB for the following reasons:

- (a) the proposed development was not in line with the planning intention of the “OU(CDWRA)” zone which was intended to phase out existing sporadic open storage and port back-up uses on degraded wetlands and there was no strong planning grounds to justify a departure from the planning intention even on a temporary basis;
- (b) the development was not in line with the TPB Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ in that there was no previous planning approval for a similar use at the site; there were adverse

departmental comments and objections from members of the public; and environmental nuisance was expected; and

- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “OU(CDWRA)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

4. The hearing date of the appeal was yet to be fixed. The Secretariat would act on behalf of the TPB in dealing with the appeal in the usual manner.

(ii) Town Planning Appeal Statistics

5. The Secretary reported that as at 30.7.2010, a total of 25 cases were yet to be heard by the Appeal Board Panel (Town Planning). Details of the appeal statistics were as follows :

Allowed	:	25
Dismissed	:	111
Abandoned/Withdrawn/Invalid	:	139
Yet to be Heard	:	25
<u>Decision Outstanding</u>	:	<u>4</u>
Total	:	304

(iii) The minutes of this item were recorded under separate confidential cover.

**Kowloon District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions Only)]

Y/K9/6                      Application for Amendment to the  
Draft Hung Hom Outline Zoning Plan No. S/K9/23  
from “Comprehensive Development Area (1)”,  
“Comprehensive Development Area (2)”,  
“Residential (Group A) 2” to “Open Space”,  
at the Junction of Hung Luen Road and Wa Shun Street, (KIL 11205);  
at the Junction of Hung Luen Road and Kin Wan Street, (KIL 11111);  
at the Junction of Hung Luen Road and Oi King Street (KIL 11120),  
Hung Hom  
(MPC Paper No. Y/K9/6)

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6.                      The Secretary reported that Mr. Raymond Y.M. Chan and Mr. Maurice W.M. Lee had declared interests in this item as Mr. Chan owned a flat at Laguna Verde and Mr Lee owned a shop at Bulkeley Street. Members noted that Mr. Lee had not arrived at the meeting yet.

7.                      The Secretary also said that the application sites were land sale sites. Ms. Olga Lam, being a representative of the Lands Department, had declared an interest in this item. Members noted that Ms. Lam had not arrived at the meeting yet.

[Mr. Raymond Chan left the meeting temporarily at this point.]

**Presentation and Question Sessions**

8.                      The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Mr. Eric C.K. Yue - District Planning Officer/Kowloon (DPO/K); and  
Mr. Vincent T.K. Lai - Senior Town Planner/Kowloon (STP/K).

9. The following representatives of the applicants were invited to the meeting at this point:

Mr. Stanley Ng  
Mr. Chan Ka Wai  
Mr. Ian Brownlee  
Ms. Ho Yim Fong  
Ms. Ling Kit Tak  
Hon. James To Kun Sun  
Mr. Lau Chi Keung  
Mr. Fung Wing Hang  
Ms. Law Wai Yan  
Mr. Fung Moon Lun  
Mr. Wong Kin Wai

10. The Chairman extended a welcome and explained the procedures of the hearing. Mr. Eric C.K. Yue, DPO/K, was then invited to brief Members on the background to the application. With the aid of a Powerpoint presentation, Mr. Yue presented the application as detailed in the Paper and made the following main points :

#### The Proposed Amendments

- (a) the applicants, the Owners' Committee of Phase 9, Whampoa Garden, proposed to rezone three land sale sites at Hung Hom Bay from "Comprehensive Development Area (1)" ("CDA(1)"), "CDA(2)" and "Residential (Group A)2" ("R(A)2") to "Open Space" ("O") with a public transport interchange (PTI). The "CDA(1)" site was currently vacant and the "CDA(2)" and "R(A)2" sites were being used as temporary open-air car parks;
- (b) the applicants proposed that the PTI should be a Column 2 use of the Notes of the proposed "O" zone but had no view on the location of the PTI. The

applicants also preferred an underground PTI but stated that an at-grade option would also be considered. The applicants did not provide any detailed design of the “O” zone and suggested that the drawings in the Real Estate Developers Association’s (REDA) website be used as reference;

#### Background of the Hung Hom OZP

- (c) in February 2008, amendments to revise the development parameters of the “CDA(1)”, “CDA(2)” and the “R(A)2” sites were incorporated into the draft Hung Hom OZP No. S/K9/21 which was exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance). Upon the expiry of the statutory publication periods, 105 representations and 5 public comments were received. In August 2008, after giving consideration to the representations and the public comments, the Town Planning Board (the Board) decided not to uphold the adverse representations. The draft OZP, together with the representations and the public comments, was submitted to the Chief Executive in Council (CE in C) for approval. On 5.5.2009, the draft OZP was approved by the CE in C and the approved Hung Hom OZP No. S/K9/22 was gazetted on 15.5.2009;

#### Departmental Comments

- (d) District Lands Officer/Kowloon West, Lands Department (DLO/KW) objected to the application. The “CDA(1)”, “CDA(2)” and “R(A)2” sites were proposed sale sites for public transport interchange, hotel, office and retail development and residential developments respectively. The proposed rezoning of the sites to “O” would affect the delivery of suitable land supply to meet the needs of the tourism industry, real estate market and home buyers;
- (e) the Commissioner for Transport (C for Transport) could not agree to delete the proposed PTI from the “CDA(1)” site unless the existing temporary open-air PTI adjacent to the Hung Hom Ferry Pier could be kept

permanently. He considered that the inclusion of the PTI into Column 2 of the Notes of the proposed “O” zone was not acceptable as it would lead to uncertainty in the provision of the PTI;

- (f) the Commissioner for Tourism (C for Tourism) commented that the rezoning proposal might reduce the supply of land for hotel development in the territory. Retaining the subject “CDA(1)” site for hotel, retail and public transport interchange development could help increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;
- (g) the Chief Town Planner/Urban Design and Landscape, Planning Department commented that:
  - (i) taking into account the development needs, the scarce land resources in the urban area, the adequate provision of open space as per Hong Kong Planning Standards and Guidelines (HKPSG) requirements within the Hung Hom district and the planned waterfront promenade and several open spaces adjacent to the subject “CDA” and “R(A)2” sites, she had no objection to keeping the application sites for comprehensive development and residential purpose from the urban design point of view;
  - (ii) from a landscape planning perspective, the proposed "O" zone could reinforce the overall waterfront open space framework in the Eastern Kowloon and could be one of the options to be considered; and
  - (iii) an air ventilation assessment (AVA) conducted under the Hung Hom District Study (HHDS) in 2008 had concluded that the proposed developments on the subject sites under the existing zonings would unlikely affect the pedestrian level wind conditions within the Study Area, Hung Hom and surrounding areas;



- (h) the Director of Leisure and Cultural Services (DLCS) commented that the current plan was to move the existing PTI into the “CDA(1)” site and the existing PTI site would in turn be vacated for open space development. If the PTI could not be re-provisioned in the “CDA(1)” site, the adjacent open space could not be developed. She also pointed out that there were plenty of existing and planned open spaces in the vicinity;
- (i) the District Officer (Kowloon City) advised that the discussion of the “CDA(1)” and “CDA(2)” sites at the Kowloon City District Council (KCDC) on 2.7.2009 had concluded with the passage of a motion which urged the Government to, inter alia, consider further reduction of the plot ratio of the sites;
- (j) during the statutory publication periods, 1,049 public comments were received. Of the 1,049 comments received, one comment was from a Kowloon City District Council Member, another comment was from the Harbour Place Management Services Limited, and the rest were from the local residents and the general public. Except one comment pointing out that the size of the proposed open space was too large, all the other comments supported the application for rezoning. The reasons were summarized as follows:
  - (i) according to the HKPSG, the total area of open space should at least be 207,000m<sup>2</sup>. There was a shortfall of open space amounting to half of the requirement in the Hung Hom area;
  - (ii) the areas that could be used for new open space development in Hung Hom and Whampoa were inadequate. Only the site next to Hung Hom Fire Station in Fat Kwong Street connecting to the cluster of parks along Fat Kwong Street was unoccupied and could be redeveloped;
  - (iii) the Government would unlikely support the provision of parks by

redevelopment of other existing developments. The Hoi Sham Park and its southern extension from Hoi Sham Temple were too far away from Hung Hom and Whampoa. The long travelling distance was not suitable for the elderly;

- (iv) reclamation could not be carried out in Victoria Harbour owing to the Protection of the Harbour Ordinance and relevant government policies. Provision of open space by reclamation was not possible;
- (v) the “CDA(1)”, “CDA(2)” and “R(A)2” sites were high-rise developments and would cause adverse impacts. They would block the harbour view of the residents living inland and also break the ridgelines in Kowloon; and
- (vi) development on the sites would generate wall effect and heat island effect and would lead to rising temperature and poor air ventilation in the inner area. The proposed “O” zone could improve the air quality and air ventilation of the area.

[Ms. Maggie Chan arrived to join the meeting at this point.]

- (k) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 4 of the Paper and paragraph 11 at Enclosure I, which were summarized as follows:
  - (i) the planning of Hung Hom waterfront sites had been thoroughly studied and widely consulted. Through the HHDS, the Government had undergone a comprehensive public consultation exercise, including brainstorming sessions, briefings and public forums. Based on the recommendations of the HHDS, and in response to the public aspirations for a better living environment, the development parameters of the application sites such as the plot ratio, site coverage and building height had been substantially reduced. These amendments had been incorporated in the draft

Hung Hom OZP No. S/K9/21 which had undergone a due process of public representations and comments, and had eventually been approved by CE in C. The planned uses and development parameters of the application sites had struck a balance between public aspirations and development needs;

- (ii) there were sufficient open spaces in the district. On the Hung Hom OZP, a total area of 13.4 ha was zoned “O” which included 3.44 ha of local open space and 9.96 ha of district open space. However, the actual provision of local open space (14.48 ha) was much larger as many of the local open spaces (11.04 ha) were not zoned as “O” on the OZP but were provided within private developments (such as in Whampoa Garden) and other areas. Compared with the HKPSG requirement of 12.41ha, there would be a surplus of 2.07 ha of local open space in Hung Hom. As regards district open space, the requirement and provision of district open space in 2021 for the Kowloon City District would be 46.4 ha and 70.45 ha respectively, resulting in a surplus of 24.05 ha.;
- (iii) the location of open spaces in Hung Hom was well-planned. Two green corridors were designated in two rows of “O” zones leading from the Hung Hom waterfront into the inland along Hung Hom South Road and Hung Lok Road. There were also planned district open spaces of about 3.3 ha near the application sites, including a waterfront promenade (1ha) and an urban park (2.3ha) which had been reserved on the OZP for the enjoyment of the local residents in the future;
- (iv) although the applicants argued that the “scattered landscape areas” along Hung Hom South Road should be regarded as “amenity area” rather than “open space”, those open spaces were of an area of more than 500m<sup>2</sup> and had met the HKPSG requirement for local open space. These open spaces also served to protect the air paths and green corridors extending from the waterfront into the hinterland;

- (v) AVA studies had been conducted under both HHDS and the Hung Hom OZP Review. They demonstrated that it was unlikely that there would be adverse air ventilation impacts caused by the proposed developments at the application sites;
- (vi) it was necessary to ensure that the limited land resources could be utilized in a way that met the needs of society, including economic development. DLO/KW objected to the application as it would affect the delivery of suitable land for development by the real estate market and tourism industry. C for Tourism also indicated that retaining the “CDA(1)” site could help increase the number of hotel rooms, broaden the range of accommodations for our visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;
- (vii) according to the current plan, the existing PTI would be moved into the “CDA(1)” site, thus vacating the existing PTI for open space development. If the existing PTI could not be reprovisioned in the “CDA(1)” site, the planned open space could not be developed;
- (viii) a previous s.12A application (No. Y/K9/5) for rezoning the “CDA(1)” site to “O” was not agreed by the Committee on 29.1.2010. The nature and location of the subject application were similar and there had been no change in the planning circumstances since then; and
- (ix) the concerns of the public commenters had been addressed in paragraphs (i) to (viii) above.

11. The Chairman then invited the applicants’ representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Stanley Ng made the following main points :

- (a) according to studies carried out by both international and local organizations in recent years, the livability of Hong Kong was not satisfactory. The Board had an important role to play in improving the livability of Hong Kong. The Town Planning Ordinance did not provide that the Board should consider such factors as land sales arrangement and revenues generated from land sales;
- (b) from an international perspective, the provision of more quality parks would make Hong Kong more competitive against other major cities in Asia. Moreover, in order to reduce urban density and alleviate the 'heat island effect', the Board should provide more than just the minimum requirements in the HKPSG to achieve a good living environment. For the Hung Hom district, the subject sites were the only sites left for the development of parks as there were no more greenfield sites and reclamation was not allowed along the waterfront;
- (c) he doubted whether 19 of the open spaces in Hung Hom, constituting about 22% of the total open space area, were able to meet the standards stated in the HKPSG. For the 22%, around 19% of the total open space area (48,790m<sup>2</sup>) was considered as defective open space, and about 3% (7,310m<sup>2</sup>) was considered unacceptable. The location of these open spaces was found in Enclosure VI of the Paper. The problems of these open spaces were summarized as follows: (i) five open spaces did not meet the minimum requirement of 500m<sup>2</sup> in size; (ii) two were located within the roundabouts branching off from Fat Kwong Street; (iii) parts of two open spaces were sloping areas; (iv) an open space was located underneath the flyover running along Fat Kwong Street; (v) an open space was cut through by a road; (vi) two open spaces were enclosed; (vii) a planned open space fell within a construction site of the Housing Authority; (viii) the promenade along the waterfront was narrow and resembled a passageway; (ix) Hutchison Park did not have enough active recreational facilities; (x) the open space along Hung Hom South Road was very narrow; (xi) there were management and accessibility problems in the open spaces provided within private developments such as Royal Peninsula and Harbour Place;

and (xii) two open spaces along Hung Hom South Road were partly occupied by footbridge landing.

12. With the aid of a Powerpoint presentation, Mr. Ian Brownlee made the following main points :

- (a) based on the information provided by the Hong Kong Observatory, urban heat island effect was having an impact on Hong Kong. Buildings along the shore or at the heart of the urban areas blocked the wind and sunshine and had collectively modified the urban climate in a way unfavourable to healthy living. The elderly and poor were particularly at risk;
- (b) according to the urban climatic map feasibility study being undertaken, it was important not to worsen the current built-up situation and to provide further greenery. The proposed developments in the “CDA(1)”, “CDA(2)” and “R(A)2” zones would have a negative effect on the nearby areas;
- (c) the AVA studies that were conducted were flawed in that they did not take the existing vacant situation of the sites as the baseline for comparison. Instead, they compared the revised proposals with the developments that were permitted on the extant OZP and concluded that the latter developments would be better from an air ventilation point of view. The existing vacant situation of the subject sites was important as they formed a gap allowing the summer wind to blow into the Hung Hum area and the winter breezes to blow into the Tsim Sha Tsui area;
- (d) a study by GHK(Hong Kong) Ltd. on the value of open space indicated that the general public preferred open space use to building development at the Central waterfront, and they valued open space twice the likely sale value of the land involved. Further, the public would be prepared to pay \$73 billion to have the open space. In view of the strong public support for the subject application, similar conclusion could be drawn for the Hung Hom district;

- (e) although a growing number of the population were physically active, there was a significant lack of suitable open space areas for sports and the usage rates for sporting facilities including grass pitches were at or near 100%. If the application sites were kept as open space and partly used for sporting facilities, it would help improve the health of the public. It should be noted that DLCS had no comment on the applicants' proposal for open space development;
  
- (f) a recent REDA study had assessed all the land sale sites in the Application List and recommended that, in order to provide a quality environment for future generations, the subject three sites should be rezoned to "O". REDA also recommended that the sites be taken off the Application List and be replaced by more appropriate sites elsewhere. In fact, there was no shortage of land for development (including hotels and offices) but there was a shortage of land for open space. However, should the Board decide to keep the sites for development, then the individual companies in REDA would consider whether to bid for them or not;
  
- (g) in recent years, public expectations had changed dramatically, demanding for better environmental conditions, and had greater green awareness and participation in sports activities. Rather than only calculating the total area available for open space use, there was a need to look at the quality and location of the open space provided. Flexibility should be exercised in the application of standards and in the provision of recreational facilities to meet the specific needs of the users. At the same time, the planning standards of open space provision should be updated;
  
- (h) there had been strong community support for a better urban environment, as indicated in many of the public comments and representations received previously in the plan-making process. The alternative proposal and the concerns on the use of the subject sites were not brought up to the Board. For the subject application, 1,048 public commenters had voiced their support; and

- (i) as regards the departmental comments, it should be noted that the C for Transport had no objection to keeping the existing PTI at its current location. The C of Tourism had not taken account of other hotel developments that were taking place on private land elsewhere. He also had no objection to the rezoning of the other sites to “O” as long as the “CDA(1)” site was retained. The comments of LandsD could not be agreed as there were 56 pieces of land available for sale on the Application List, which was equivalent to 8 years of land sales. As for PlanD’s assessment, there was no discussion on the availability of alternative locations such as Kai Tak for office and hotel developments.

13. Ms. Ho Yim Fong made the following main points :

- (a) she was the Vice-Chairperson of the Owners’ Committee of Phase 9, Whampoa Garden;
- (b) in January 2010, 1,235 signatures and 1,014 letters from local residents supporting the rezoning of the subject sites to “O” had been received. Their justifications were summarized as follows:
  - (i) there was a shortage of open space in Hung Hom. Rezoning the subject sites to “O” would reduce the wall effect and provide more greenery;
  - (ii) there was an increasing number of housing estates in Hung Hom, but there was no corresponding increase in the number of social and community facilities, such as libraries, elderly centres, and sporting facilities. The proposed rezoning would provide a good opportunity for the provision of these facilities;
  - (iii) as the new MTR line connecting to Hung Hom would be completed by 2015, the proposed rezoning would attract more people to come to Hung Hom for leisure and recreational activities; and



- (iv) as no new land could be formed by reclamation, the subject three sites represented the last opportunity to provide sufficient open space to meet the HKPSG requirement in Hung Hom;
- (v) the substandard open spaces, such as those provided under flyover and at roadside should be excluded from the calculation of open space provision; and
- (vi) a quality waterfront park should be provided for the local residents.

14. Ms. Ling Kit Tak made the following main points :

- (a) she was a resident living in Block 2 of Phase 9 of Whampoa Garden;
- (b) there were not enough open spaces in Hung Hom. Residents were not aware of the fact that they could use the open spaces within certain private residential developments. Some of the open spaces were not readily accessible to the general public;
- (c) the proposed developments at the subject sites would create ‘wall effect’, blocking wind from blowing into the inland areas and the seaview from Whampoa Garden. She queried if the AVA studies had included assessments for different seasons of the year; and
- (d) it was unfair to the local residents as some of the existing open spaces in Hung Hom were substandard, which affected their quality of life.

15. Hon. James To made the following main points :

- (a) as pointed out by Mr. Stanley Ng and Mr. Ian Brownlee, some of the open spaces in Hung Hom were substandard according to the requirements stated in the HKPSG. Noting that one of the reasons for rejection was that there were sufficient existing and planned open spaces in the district and hence there was no strong justification for rezoning the subject sites to “O”, the

Committee had to consider carefully whether the inclusion of some substandard open spaces into the calculation of open space provision would render the use of this ground to reject the application improper;

- (b) even if the Committee was satisfied that there were sufficient open spaces according to the HKPSG requirements, whether it was reasonable from a planning point of view to include those open spaces of poor quality into the total area of open space provision in Hung Hom; and
- (c) if the application was rejected, the applicants reserved the right to appeal in a court of law.

16. A Member asked whether the standard used for the calculation of open space provision in Hung Hom was the same as that used for all other districts in Hong Kong. Mr. Eric Yue replied that the same standard was used for every district. In the Hung Hom district, those open spaces that fell within comprehensive developments such as Whampoa Garden were included in the calculation of the public open space as they were available for use by the public.

17. A Member asked whether the open spaces that were considered substandard by the applicants had been included in the calculation of open space provision. Mr. Yue replied that all open space that was visible, accessible and usable would be included into the calculation. He said that although there was variation in the quality of open space provided, the lower quality ones such as the one underneath the flyover constituted only a small percentage in terms of the total open space area.

18. A Member asked whether PlanD agreed with the assessment of the applicants regarding the problems of the open spaces shown in the list at Enclosure VI, and if those open spaces that were substandard were deducted from the total area of open space, whether the remaining area would still be able to meet the HKPSG requirements. Mr. Yue said that he did not agree with the assessment made by the applicants as some of the open spaces in the list such as Whampoa Park was a good quality open space. While he agreed that there was room for improvement in the design of some open spaces, the problems of public accessibility of some open spaces provided within private residential developments as cited

by the applicants were management problems, which could be resolved by the property management companies of those private residential developments concerned.

19. Mr. Stanley Ng said that the substandard open spaces constituted 22% of the total open space area. However, if they were taken out from the list of open space provision, then the situation could get worse as those areas might be used for other uses such as refuse collection point. The proper way to improve the situation was to rezone the three subject sites to "O". Mr. Ng referred Members to Chapter 4 of HKPSG which indicated the standard of provision of open space such as the need to apply the slope correction factor and the active/passive ratio for district open space. He commented that Whampoa Park fell short of the active/passive ratio applicable for a district open space, though it was still an acceptable open space. In response to the Chairman's question, Mr. Stanley Ng said that the figure 7,310m<sup>2</sup> as shown in his Powerpoint presentation represented the area of open spaces that he considered not acceptable.

20. Mr. Brownlee said that the provision of open space was not a simple calculation of figures. It was also important to consider whether the objectives on providing open space for public enjoyment could be achieved. The subject sites could serve the same purpose as Victoria Park in providing an urban park for the public. Based on his calculations, there was a deficit of about 15.5ha of open space in Hung Hom, and even if the subject sites, with an area of 3.7ha, were used as a park, there would still be a deficit of about 11.8ha of open space.

21. Noting that there were already two applications for hotel developments in "Other Specified Uses (Business)" zone in Kwun Tong to be considered in the same meeting, a Member asked how the demand for new hotel developments was established. Mr. Yue said that the C for Tourism was responsible for forecasting the demand for hotels, but he did not have the relevant data at hand. Based on C for Tourism's comments, the use of "CDA(1)" site for hotel development would be beneficial to the tourism sector. While proposals for hotel developments were received by the Board from time to time, whether the approved schemes would be implemented would depend on market conditions and private initiatives.

22. Mr. Brownlee said the comments of the C of Tourism in paragraph 3.1.3 of the Paper were not based on facts. There was no justification for the development of a hotel at

the subject “CDA(1)” site, and no assessment had been made on the impacts on the tourism industry if the proposed hotel at the subject “CDA(1)” site was taken out from the overall supply of hotel development. It should be noted that there were other alternative sites for hotel development such as those greenfield sites in Kai Tak.

23. The Vice-Chairman asked whether the provision of local open space in the Hung Hom district had met the HKPSG requirements. Mr. Yue said that according to the HKPSG, about 12.41ha of local open space was required for the Hung Hom district. In this regard, there would be about 14.48ha of existing and planned local open space. The local open space of 14.48ha included about 3.44ha of land zoned “O”, and 11.04ha of local open space falling within certain comprehensive residential developments, such as Whampoa Garden and Laguna Verde.

24. The Vice-Chairman then asked about the background of the planning of the Hung Hom waterfront area. Mr. Yue said that the planning of Hung Hom waterfront sites had been thoroughly studied and widely consulted. Through the Hung Hom District Study (HHDS), the Government had undergone a comprehensive public consultation exercise, including brainstorming sessions, briefings and public forums. Under the HHDS, the development parameters of the subject sites were reviewed and the original “CDA” zone was recommended to be divided into two sites so that the bulk of the future development would be reduced. The plot ratio was reduced from 6.0 to 4.0 and the maximum building height was restricted to 75mPD. The recommendations had been incorporated into the Hung Hom OZP which was gazetted in 2008. The 105 representations received by the Board had been heard but they were not upheld by the Board. The OZP, together with the representations and comments were submitted to the CE in C for consideration. The OZP was approved by the CE in C in May 2009. Planning briefs had also been prepared to guide the detailed design and development of the “CDA(1)” and “CDA(2)” sites. Non-building areas (NBAs) had been designated and a stepped building height profile with the lower building height facing the waterfront had been adopted for the two “CDA” sites so as to form an air corridor and a visual break between the two developments and to avoid creating adverse visual impacts on the nearby Whampoa Garden. The Harbourfront Enhancement Committee (HEC) and the Kowloon City District Council had been consulted on the planning briefs, which were subsequently endorsed by the Committee on 19.6.2009. As the two sites were zoned “CDA”, the future developers would have to submit a Master Layout Plan in the form

of a planning application to be supported by technical assessments for the consideration of the Committee, and the public would have an opportunity to comment on the application.

25. Mr. Brownlee said that the HHDS had not studied the possibility of alternative land uses at the subject sites. He referred to the photomontages in his Powerpoint presentation which showed an option of using the application sites for commercial and residential uses according to the OZP requirements and the other option of using the site for open space development, and said that the proposed commercial and residential developments on the sites would have adverse impacts on the surrounding areas. The development restrictions included under the OZP and the planning briefs for the sites could not address the concerns of the applicants who demanded for a “no development” option.

26. Hon. James To said that the crux of the issue was not so much about the planning control on the future developments, but how the open space provision should be calculated. If the three criteria of “visible, accessible and usable” of open space were to determine whether an open space should be included into the calculation, the Committee should consider asking PlanD to justify how each of the open space included could meet the criteria and the HKPSG requirements. The Committee should also note that the management problem of the open space within private developments might affect their accessibility. Such open space might not meet the criteria as mentioned by Mr. Yue, and therefore could not be regarded as proper open space.

27. A Member asked whether Hon. James To was the legal counsel of the applicants and whether there was any legal documents supporting his views. Hon. To replied that he was the Legislative Council Member of the Kowloon West constituency, which included the Hung Hom district. Although he was not the legal counsel of the applicants, he was assisting them by providing his legal opinion for the consideration of the Committee.

28. In response to a question from the Chairman, Mr. Yue said that the open space underneath the flyover along Fat Kwong Street fell within an area shown as ‘Road’ on the OZP. Referring to the table in Enclosure VI of the Paper, Mr. Stanley Ng said that the concerned open space was included in PlanD’s open space calculation, which he considered not appropriate.

29. Referring to the same table, a Member noted that there were some open spaces with an area less than 500m<sup>2</sup> and asked whether they were included in the calculation of open space provision. Mr. Yue said that according to HKPSG, local open space in the urban areas, where possible, would have an area of at least 500m<sup>2</sup>. In this regard, there were a few existing open spaces in Hung Hom which were smaller than 500m<sup>2</sup> in area. However, as Hung Hom was an old district with scarce land resources, sites with less than 500m<sup>2</sup> were also used as local open space to meet the needs of local residents. However, all new developments would comply with the HKPSG requirement.

30. Hon. James To said that legally, the Committee should decide on the subject rezoning application by taking into account relevant considerations. The fact that the application sites would be the last opportunity to provide an open space in the Hung Hom district to help meet the HKPSG requirements should be a relevant consideration.

31. As the applicants had no more points to make and Members had no more questions to raise, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicants of the Committee's decision in due course. The Chairman thanked the representatives of the applicants and PlanD for attending the meeting. They all left the meeting at this point.

[The meeting adjourned for a break of 5 minutes and resumed at 11:50 a.m.]

#### Deliberation Session

32. The Chairman highlighted the main issues of this application, which included the background of the planning of the Hung Hom waterfront, the adequacy of open space provision, the provision of "Government, Institution or Community" (GIC) facilities, design considerations to address the public's concerns, and the comment on land supply and livability of Hong Kong. He would welcome Members to raise other pertinent issues before reaching a decision.

33. The Chairman said that the planning of the subject sites had gone through a thorough process of planning study and public consultation. The recommendations of the

HHDS had been taken into account in drawing up the land use zonings and development restrictions on the OZP. The current zonings (“CDA(1)”, “CDA(2)” and “R(A)2”) of the subject sites had then undergone a due process of statutory plan-making and hearing of representations in accordance with the Town Planning Ordinance and the Hung Hom OZP was approved by the CE in C in 2009.

34. The Chairman said that the main issue in this application was the provision of open space. The applicants had indicated that an area of 7,310m<sup>2</sup> of open space, equivalent to 3% of the total open space area in the Hung Hom district, was considered unacceptable. While not necessarily concurring with the views of the representatives of the applicants on the acceptability of open space, and even if the 7,310m<sup>2</sup> of open space was deducted, there was still sufficient provision of open space in Hung Hom. As regards those public open spaces falling within private residential developments, effort should be made to resolve the management problem instead of deducting them from the total open space calculation. It might not be appropriate to compare the HKPSG with the standards in other places, as each place had its own characteristics and circumstances.

35. A Member agreed that there were sufficient open spaces in the district and the applicants did not provide sufficient justifications to reverse the previous decisions of the Board and the CE in C regarding the zonings of the application sites.

36. The same Member asked whether there was a pressing need for hotel development. The Chairman said that it was necessary to ensure that the limited land resources could be utilized to meet economic development. Hotel development approved by the Committee might not be implemented and some existing hotels were demolished for other developments. In order to ensure a steady supply of hotels, new sites earmarked for hotel development would need to be reserved. It was expected that the demand for hotels would continue to grow as the number of tourists coming to Hong Kong had been increasing rapidly.

37. A Member said that noting the previous decision of the Board on the rezoning application of the “CDA(1)” site, there were no special circumstances to merit a change of the previous decision of the Committee. The Chairman said that there was a demand for new land supply to meet Hong Kong’s development needs. As reclamation within Victoria

Harbour would be subject to the Protection of the Harbour Ordinance and there were growing aspirations for conserving the parts of the New Territories which had ecological and landscape value, there was enormous pressure to better utilize the limited land available for development. It should be noted that the planning of Hung Hom had taken into account the residents' need for more open space. The land adjacent to Phase 9 of Whampoa Garden, for instance, was reserved for a large park of over 2ha.

38. A Member said that it might be more appropriate to use the subject sites for open space use than for office development as office space at a rental rate of \$15-20 per square foot were available in Kwun Tong and Kowloon Bay. The Chairman said that according to the findings of a study undertaken by PlanD, different regional headquarters and regional offices of multi-national corporations would require different types and locations of office space in Hong Kong. There was a need to ensure adequate supply of grade A offices in Hong Kong to maintain its competitiveness in the region. Otherwise, it would lose out to other cities in the region. While Kai Tak would provide some new sites for business use, they would only be available to meet the medium to long term needs. The development would also provide job opportunities in the district.

39. A Member said that according to the information provided by the applicants, the percentage of open space which was unacceptable to the applicants constituted about 3% of the total open space area in Hung Hom. The Chairman said that the overall provision of open space in Hung Hom was sufficient, although there was room for improvement in the design of some of the open spaces.

40. The Chairman said that another issue in this application was the provision of GIC facilities at the subject sites. One of the representatives of the applicants stated that there was no increase in community facilities such as elderly centres in Hung Hom corresponding to the increase in population. In this regard, Members noted that there was already one existing elderly community centre at Dyer Avenue, and a joint-user Government complex was being developed at Bailey Street.

41. The Chairman continued to say that a number of restrictions had been stipulated to control the future development at the subject sites so as to address the concerns of the residents. The design concept of the area included a visual corridor stretching from the



ship-like shopping mall of The Whampoa to the waterfront, a 10m-wide NBA along the southern side of the two “CDA” sites abutting the proposed open space for waterfront promenade, two landscaped NBAs with the widths of 30m and 10m from Hung Luen Road leading to the waterfront in order to separate the building blocks on the site and to enhance the air and visual permeability, and a “stepped building height profile” with the lower height facing the waterfront for the two “CDA” sites so as to minimize impacts on the surrounding areas.

42. On the issue of livability of Hong Kong, the Chairman said that office and hotel development would create job opportunities and promote economic development. As for the ranking of Hong Kong in terms of livability, it should be noted that there were different types of surveys, some of which were prepared for reference of multi-national corporations for calculation of remuneration package for staff. Livability of a city depended on a host of factors such as economic competitiveness, quality of life, environmental sustainability and good governance. It was a complicated subject and was not merely concerned about environmental quality or provision of open space.

43. A Member said that the arguments presented by the applicants were rather subjective. The Member considered that the due process of plan making in accordance with the Town Planning Ordinance should be respected and there was no major change in planning circumstances which justified a reversal of the previous decisions of the Board regarding the future use of the sites in question.

44. The Vice-Chairman said that HHDS completed in 2008 was undertaken to investigate opportunities to enhance the planning of the waterfront area in Hung Hom. A public engagement exercise was carried out extensively in 2006 and 2007 when the public, local residents and organizations including HEC were involved. If the current application was acceded to, it would render the whole plan-making and consultation process abortive.

45. To conclude, the Chairman said that Members generally did not support the application. However, he suggested that the relevant Government bureaux/departments be asked to follow-up on the access problem experienced by non-residents in public open spaces provided within private residential developments in Hung Hom. Members agreed.

46. A Member asked if a separate briefing on the long-term demand for different types of land uses in Hong Kong could be made to Members of the Board. The Chairman said that the “Hong Kong 2030 Study” completed in 2007 had covered information in that respect and a presentation was made to Members. He suggested that an informal discussion meeting could be arranged for Members particularly those newly appointed ones who were interested in this subject. The Member also suggested asking C for Tourism to provide information on the demand forecast for hotel development so as to facilitate Members in assessing the related planning applications. The Secretary would follow up on the Member’s request.

47. Members then went through the reasons for not agreeing to the application as stated in paragraph 12.1 of the MPC Paper No. Y/K9/6 and agreed that they were appropriate.

48. After further deliberation, the Committee decided not to agree to the application for amendment and the reasons were :

- (a) the planning of Hung Hom waterfront sites including the application sites had been thoroughly studied and widely consulted. It was considered that the current “Comprehensive Development Area (1)”, “Comprehensive Development Area (2)” and “Residential (Group A)2” zonings of the application sites were appropriate and had struck a balance between public aspirations and development needs; and
- (b) there were sufficient existing and planned open spaces in the district and plenty of open spaces were also provided in the close vicinity of the application sites. There were no strong justifications for rezoning the subject sites to “Open Space”.

[Mr. Felix Fong left the meeting at this point.]

**Tsuen Wan and West Kowloon District**

[Mr. C.K. Soh, Senior Town Planner/Tsuen Wan and West Kowloon (STP/TWK), was invited to the meeting at this point.]

#### **Agenda Item 4**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K3/527                      Proposed Shop and Services Use (Proposed Retail Shop)  
in “Other Specified Uses” annotated “Business” zone,  
Workshop 1, G/F, Silicon Tower, No. 88 Larch Street, Mong Kok  
(MPC Paper No. A/K3/527)

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##### **Presentation and Question Sessions**

49.            Mr. C.K. Soh, STP/TWK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed shop and services use (proposed retail shop);
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period and no local objection was received by the District Officer (Yau Tsim Mong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The proposed retail shop was considered generally in line with the planning intention of the “Other Specified Uses (Business)”. It was not incompatible with the uses of the subject industrial building which mainly

comprised offices ancillary to industrial and trading firms on the upper floors. It also complied with TPB PG-No. 22D and it would not generate significant adverse impacts on the developments within the subject building and the adjacent areas. Silicon Tower was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. The approved commercial floor area on the ground floor of Silicon Tower was 77.77m<sup>2</sup> (under Application No. A/K3/455). If the subject application was approved, the aggregate commercial floor area of shop and services uses on the ground floor of the subject industrial building would be increased by 55.3m<sup>2</sup> to 133.07m<sup>2</sup>, which was within the maximum permissible limit of 460m<sup>2</sup>. In this connection, D of FS had no in-principle objection to the application.

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 30.7.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separating the subject premises from the industrial portion of the building and fire service installations in the subject premises, to the satisfaction of the Director of Fire Services or of the TPB before operation of the use; and
- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

52. The Committee also agreed to advise the applicant to :

- (a) note the District Lands Officer/Kowloon West, Lands Department's comments that the applicant should apply for a temporary waiver or lease modification, as appropriate, for the proposed 'shop and services' use;
- (b) note the Chief Building Surveyor/Kowloon, Buildings Department's advice to reinstate the approved access ramp of the premises for use of the disabled;
- (c) note the Director of Fire Services' comment to comply with the requirements as stipulated in Code of Practice for Fire Resisting Construction; and
- (d) note the Chief Engineer/Mainland South, Drainage Services Department's comments that he should be advised of any changes in the sewerage discharge as a result of the proposal and the applicant should implement local sewerage upgrading works if found necessary.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/KC/357

Proposed Commercial Use

including Shop and Services/Eating Places/Office in "Industrial" zone,

High Fashion Centre, 1-11 Kwai Hei Street, Kwai Chung

(MPC Paper No. A/KC/357)

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53. The Committee noted that on 14.7.2010, the applicant's representative had requested for deferment of the consideration of the application for one month in order to allow time for the applicant to resolve comments from the concerned Government departments.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee also agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr. C.K. Soh, STP/TWK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

### **Hong Kong District**

[Mr. K.S. Ng, Senior Town Planner/Hong Kong (STP/HK), was invited to the meeting at this point.]

#### **Agenda Item 6**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/H11/96                      Proposed Minor Relaxation of Plot Ratio from 5 to 5.046  
in "Residential (Group B)" zone,  
Flat Roof (Part), 5/F,  
11 Macdonnell Road, Mid Levels (Gross Floor Area : 45.4 m<sup>2</sup>)  
(MPC Paper No. A/H11/96)

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##### **Presentation and Question Sessions**

55. Mr. K.S. Ng, STP/HK, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed minor relaxation of plot ratio restriction from 5 to 5.046 to facilitate the conversion of part of the flat roof on 5/F to domestic use;
- (c) departmental comments – the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considered that there was no merit to justify a relaxation of the plot ratio restriction. The Commissioner for Transport, Transport Department (C for T, TD) had strong reservation on the application as it would set an undesirable precedent for similar applications and the cumulative effect of which might adversely affect the traffic in the area;
- (d) during the statutory publication period, five public comments objecting to the application were received. Among them, one was from the property management company of the site, which, on behalf of the owners of the subject building, commented that according to the Deed of Mutual Covenant (DMC), the owner should not make or permit or suffer to be made any alteration to the existing design or external appearance of the façade or elevations of the building, and not erect or permit to be erected any structure on the roof and/or flat roof of the building. Other commenters considered that approval of the application would set an undesirable precedent for similar applications, which would further increase the population of the already over-populated MacDonnell Road. The proposal was also questionable as it would only benefit one particular residential unit; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The application was to facilitate extension of a domestic unit on 5/F into the flat roof for private use. Although the visual impact of the proposed extension would not be substantial, there were no planning and design merits to justify the proposed PR relaxation. Approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would jeopardize the

intention of imposing the PR restriction.

56. A Member asked if the application was approved, whether the applicant's share in the subject lot as set out in the DMC would increase. Mr. K.S. Ng replied that according to the commenter, the owner was not allowed to erect any structure on the roof and/or flat roof of the building based on the DMC. The Chairman said that it was highly unlikely that the equal and undivided shares of the applicant's premises would be changed as they had already been set out in the DMC.

### Deliberation Session

57. Members generally agreed that the application should be rejected. The Chairman invited Members to consider the reasons to reject the application. Members then went through the reasons for rejection as stated in para. 11.1 of the Paper and agreed that they were appropriate.

58. After further deliberation, the Committee decided to reject the application and the reasons were :

- (a) there were no planning and design merits to justify the proposed relaxation of plot ratio for the proposed development; and
- (b) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would jeopardize the intention of imposing the PR restriction and might adversely affect the traffic in the area.

[The Chairman thanked Mr. K.S. Ng, STP/HK, for his attendance to answer Members' enquiries. He left the meeting at this point.]

**Kowloon District**



[Miss Annie K.W. To, Senior Town Planner/Kowloon (STP/K), was invited to the meeting at this point.]

**Agenda Items 7, 8 and 9**

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/K13/257            Shop and Services  
in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B5 (Portion), Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/257)

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A/K13/258            Wholesale Trade  
in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B4 (Portion), Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/258)

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A/K13/260            Shop and Services (Local Provisions Store)  
in “Other Specified Uses” annotated “Business” zone,  
Workshop No. B5A, Ground Floor of Block B,  
Proficient Industrial Centre, 6 Wang Kwun Road, Kowloon Bay  
(MPC Paper No. A/K13/260)

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59.            Noting that the three s.16 applications were similar in nature and the application sites were all located on the ground floor of Proficient Industrial Centre, Members agreed that the applications could be considered together.

Presentation and Question Sessions

60.            Miss Annie K.W. To, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the ‘Shop and Services’ use (No. A/K13/257), the ‘Wholesale Trade’ use (No. A/K13/258) and the ‘Shop and Services (Local Provision Store)’ use (No. A/K13/260);
- (c) departmental comments – for all the applications, no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication periods and no local objection was received by the District Officer (Kwun Tong); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The “OU(Business)” zone was intended for general business uses. The ‘Shop and Services’ use, the ‘Wholesale Trade’ use and the ‘Shop and Services (Local Provision Store)’ use were considered generally in line with the planning intention. They were not incompatible with the other uses within the same building and also complied with TPB PG-No. 22D in that they would not induce significant adverse fire safety, traffic, environmental and infrastructural impacts on the developments within the subject building and the adjacent area.

61. Members had no question on the applications.

#### Deliberation Session

62. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions of Applications No. A/K13/257 and 258 were subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the

provision of a means of escape completely separated from the industrial portion and fire service installations in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2011; and

- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

63. The permission of Application No. A/K13/260 was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including fire service installations, in the application premises within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

64. The Committee agreed to advise the applicant of Application No. A/K13/257 to:

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary wavier or lease modification;
- (b) appoint an Authorized Person to submit Alterations and Additions proposal to the Buildings Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) adequate means of escape in accordance with Building (Planning) Regulation 41(1);
  - (ii) walls having 2 hours fire resistance period pursuant to Building

(Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9 separating the subject premises from the remaining portion of the premises;

- (iii) access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008; and
- (c) observe road restriction requirements in force when all loading/unloading activities were taking place.

65. The Committee agreed to advise the applicant of Application No. A/K13/258 to:

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification and note that even if temporary waiver/lease modification for 'Wholesale Trade' purpose might subsequently be approved, no retail trade was permitted in the application premises;
- (b) appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) adequate means of escape in accordance with Building (Planning) Regulation 41(1);
  - (ii) walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and paragraphs 8.1 and 9 of the Code of Practice for Fire Resisting Construction 1996 for the subject premises to be separated from the remaining portion of the premises;
  - (iii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access

2008; and

- (c) observe road restriction requirements in force when all loading/unloading activities were taking place.

66. The Committee agreed to advise the applicant of Application No. A/K13/260 to:

- (a) apply to the District Lands Officer/Kowloon East, Lands Department for a temporary waiver or lease modification;
- (b) remove all unauthorized building works/structures at the premises;
- (c) appoint an Authorized Person to submit Alterations and Additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular, the provision of :
  - (i) walls having 2 hours fire resistance period pursuant to Building (Construction) Regulation 90 and paragraphs 8.1 and 9 of the Code of Practice for Fire Resisting Construction for the subject premises to be separated from the remaining portion of the premises;
  - (ii) access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual : Barrier Free Access 2008; and
- (d) observe road restriction requirements in force when all loading/unloading activities were taking place.

[The Chairman thanked Miss Annie K.W. To, STP/K, for her attendance to answer Members' enquiries. She left the meeting at this point.]

[Mr. Silas K.M. Liu, STP/K, was invited to the meeting at this point.]

[Ms. Olga Lam arrived to join the meeting at this point.]

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/611            Proposed Hotel  
                         in “Other Specified Uses” annotated “Business” zone,  
                         28A Hung To Road, Kwun Tong  
                         (MPC Paper No. A/K14/611)

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**Presentation and Question Sessions**

67.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
  
- (b)    the proposed hotel with 110 guestrooms;
  
- (c)    departmental comments – the Commissioner for Transport, Transport Department (C for T, TD) had strong reservation on the application as it failed to meet the minimum Hong Kong Planning Standards and Guidelines requirement with regard to the provision of car parking spaces and loading/unloading (L/UL) facilities. It was also not in line with the “Provision of Car Parking Spaces and L/UL Facilities in Wholly Converted Industrial Buildings” in that the minimum number of L/UL bays had not been provided. The use of back-lane area for L/UL and tour bus lay-bys was undesirable. The District Lands Officer/Kowloon East, Lands Department considered that the provision of two car parking spaces in another building (Houtex Industrial Building) was not acceptable. The Chief Building Surveyor/Kowloon, Buildings Department (CBS/K, BD) had no objection to the application, but considered that the proposed means of escape on G/F was not in line with the “Code of Practice for the provision of Means of Escape” and was not acceptable under the Building

(Planning) Regulation 41(1). The Commissioner for Tourism supported the application as it would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;

- (d) during the statutory publication periods, four public comments were received, all of which supported or had no objection to the application. They also commented that there was traffic congestion problem at the junction of How Ming Street and Hung To Road and the applicant should examine whether the provision of one tour bus lay-by for the proposed hotel development was adequate. Provision of more lighting and increased police patrol should be considered to ensure personal safety of the hotel guests and staff;
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. As adequate parking and L/UL space could not be provided for the proposed hotel development, the application was not in line with TPB PG-No. 22D. The provision of off-site car parking facility in another industrial building was also considered unacceptable. Approval of this application would set an undesirable precedent for similar applications for hotel development without the necessary supporting car parking, loading/unloading and lay-by facilities, the cumulative impacts of which might result in adverse traffic implications on the already congested road network in the Kwun Tong Business Area. The proposed L/UL bay cum tour bus lay-by located at the backlane would block the entrance of the main corridor and the staircase at the backlane of the subject building. The Buildings Department considered that the staircase discharged to G/F was unacceptable under Building (Planning) Regulation 41(1) and paragraph 8.2 of Code of Practice for the Provision of Means of Escape. The applicant therefore failed to demonstrate that the proposed hotel development would not induce adverse fire safety impact to the subject building and the adjacent areas.

68. Members had no question on the application.

### Deliberation Session

69. Noting that the Fire Services Department had no objection to the application, the Chairman asked whether the proposed reason for rejection (c) on the adverse fire safety impact was appropriate. Mr. Liu replied that there was potential fire safety problem in the proposed development as the Buildings Department considered that the provision of means of escape was not acceptable.

70. Considering that the traffic impact assessment submitted by the applicant was acceptable and the major concern of TD was on the provision of L/UL facilities, the Chairman asked whether there would be cumulative traffic impact as suggested in the proposed reason for rejection (d). Mr. Anthony Loo replied that the TD's main concern was that if the L/UL facilities were not properly provided, L/UL activities would take place along the roadside, which would have adverse impacts on the local traffic circulation.

71. A Member asked whether the application site was near any MTR Stations. In response, Mr. Liu referred to Plan A-1 of the Paper and said that the Ngau Tau Kok MTR Station was about 300m away from the application site.

72. A Member said that as the L/UL facilities located at the back-lane area were unsatisfactory, there was fire safety concern. Vehicles that were not properly parked at the L/UL bays might affect not just the safety of the subject building but also the neighboring building.

73. Members generally agreed that the application should be rejected. The Chairman invited Members to consider the reasons to reject the application. Members then went through the reasons for rejecting the application as stated in para. 12.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting.

74. After further deliberation, the Committee decided to reject the application and the reasons were :



- (a) the proposed hotel was not in line with the Town Planning Board Guidelines (TPB PG-No. 22D) for “Other Specified Uses” annotated “Business” zone in that the proposed number of car parking space, loading and unloading bay and lay-by could not fulfill the requirements of the Hong Kong Planning Standards and Guidelines;
- (b) the provision of off-site car parking facility in another industrial building was considered unacceptable;
- (c) the applicant had failed to demonstrate in the application that the proposed hotel development would provide an acceptable means of escape and would not induce adverse fire safety impact to the subject building and the adjacent areas; and
- (d) the inadequate provision of loading/unloading facilities would lead to on-street picking up/setting down and loading/unloading activities and generate adverse traffic impact on the local traffic circulation. Approval of the application would set an undesirable precedent for similar applications, the cumulative impacts of which might result in adverse traffic implications on the road network in the Kwun Tong Business Area.

[Professor C.M. Hui left the meeting at this point.]

**Agenda Item 11**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/612            Proposed Hotel  
                          in “Other Specified Uses” annotated “Business” zone,  
                          97 How Ming Street, Kwun Tong  
                          (MPC Paper No. A/K14/612)

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Presentation and Question Sessions

75. Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed hotel with 118 guestrooms;
- (c) departmental comments – the Commissioner for Transport, Transport Department (C for T, TD) had no objection to the application and commented that although illegal parking was a recognized problem, the required minimum parking spaces and loading/unloading (L/UL) facilities had been provided. The District Lands Officer/Kowloon East, Lands Department had no objection to the application but was concerned about the ingress/egress point which was in breach of the lease conditions of the subject lot. The Commissioner for Tourism supported the application as it would increase the number of hotel rooms, broaden the range of accommodations for visitors, and support the rapid development of convention and exhibition, tourism and hotel industries;
- (d) during the statutory publication periods, five public comments were received. Three of them supported or had no objection to the application, one raised objection and another commenter raised concern on the application. The three ‘supporting’ commenters considered that as there were traffic congestion problems along How Ming Street, the applicant should undertake a proper traffic impact assessment. The existing footbridge adjoining the telephone exchange building should be extended to the proposed hotel development. One commenter objected to the application on the ground that the proposed hotel development would aggravate the congestion problem along How Ming Street/Tsun Yip Lane/Tsun Yip Street. Another commenter was concerned about the traffic flow problem arising from the proposed hotel development;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessment made in paragraph 11 of the Paper. The proposed hotel use was generally in line with the planning intention of the “OU(Business)” zone and complied with TPB PG-No. 22D in that it was compatible with the surrounding developments. The proposed hotel development would not create adverse environmental, sewerage, drainage and traffic impacts on the surrounding area. Regarding the public comment on the possible traffic impact, C for T had no objection to the application and had no comments on the TIA. As for the public comment on the possible extension of the existing footbridge, it should be noted that there was insufficient space to accommodate the proposed footbridge extension. The issue of the ingress/egress point was a land administration matter that could be resolved between the applicant and LandsD. The applicant should be advised to liaise with DLO/KE, Lands D to resolve this issue.

76. Members had no question on the application.

#### Deliberation Session

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 30.7.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the design and provision of means of escape to the satisfaction of the Director of Buildings or of the TPB;
- (b) the design and provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission and implementation of a revised sewerage impact

assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (d) the design and provision of water supply for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

78. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Kowloon East for lease modification or waiver for the proposed hotel use at the subject site;
- (b) liaise with the District Lands Officer/Kowloon East on the shared-use of the existing right of way and ingress/egress point in the subject building;
- (c) note the comments of the Director of Fire Services that arrangement on Emergency Vehicular Access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by Buildings Department (BD);
- (d) note the comments of the Chief Building Surveyor/Kowloon, BD that subject to compliance with the criteria under Practice Note for Authorized Persons 111, the application for hotel concession under Building (Planning) Regulation 23A would be considered upon formal submission of building plans;
- (e) consult the Chief Officer/Licensing Authority of Home Affairs Department on the licensing requirements for the proposed hotel at the subject premises; and
- (f) provide landscape planting in the proposed hotel development.

**Agenda Items 12 and 13**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/616            Proposed Shop and Services  
(Bank/Showroom/Fast Food Shop/Local Provision Store)  
in “Other Specified Uses” annotated “Business” zone,  
Unit G2, G/F, Everest Industrial Centre,  
396 Kwun Tong Road, Kwun Tong  
(MPC Paper No. A/K14/616)

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A/K14/617            Proposed Shop and Services  
(Bank/Showroom/Fast Food Shop/Local Provision Store)  
in “Other Specified Uses” annotated “Business” zone,  
Unit G3 (including Storeroom), G/F, Everest Industrial Centre,  
396 Kwun Tong Road, Kwun Tong  
(MPC Paper No. A/K14/617)

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79.            Noting that the two s.16 applications were similar in nature and the application sites were all located on the ground floor of Everest Industrial Centre, Members agreed that the applications could be considered together.

**Presentation and Question Sessions**

80.            Mr. Silas K.M. Liu, STP/K, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed shop and services (bank/showroom/fast food shop/ local provision store) use;
- (c) departmental comments – for both applications, no objection from concerned Government departments was received;

- (d) during the statutory publication period, two public comments for each application were received expressing support/no objection. For each of the application, one commenter considered that the applicant should ensure the provision of fire safety installations and means of escape to the satisfaction of relevant Government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Papers. The “OU(Business)” zone was intended for general business uses. The proposed shop and services (bank/showroom/fast food shop/local provision store) use at the application premises was considered generally in line with this planning intention. The applications also complied with TPB PG-No. 22D in that they would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas.

81. A Member asked whether a waiver was required for the proposed developments. Mr. Liu said that the District Lands Officer/Kowloon East had advised that a lease modification or temporary waiver was required to effect the proposed change of use. The Member further asked how long the waiver would be granted. Ms. Olga Lam replied that normally a waiver would be granted for one year and renewed thereafter quarterly. The waiver might also relate to the terms of approval by the Board.

#### Deliberation Session

82. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 30.7.2012, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Both permissions were subject to the following conditions :

- (a) the submission and implementation of fire service installations in the subject premises to the satisfaction of the Director of Fire Services or of the

TPB before operation of the use; and

- (b) if the above planning condition was not complied with before operation of the use, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

83. The Committee also agreed to advise the applicant of Application No. A/K14/616 to :

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the proposed shop and services (bank/showroom/fast food shop/local provision store) use at the subject premises;
- (b) appoint an Authorised Person to submit alterations and additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular: (i) the subject premises should be separated from the remaining portion of the premises with walls having 2-hour fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and (ii) provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) approach the Director of Food and Environmental Hygiene for application for food licence;
- (d) note the Director of Fire Services' comments that (i) the proposed bank and industrial occupancies should be completely separated from each other by suitable fire resisting construction and design; (ii) the proposed showroom should be used in connection with the main industrial use; and (iii) the proposed 'fast food shop' should be licensed as 'food factory' or 'factory canteen'; and
- (e) ensure that any proposed foul drainage connection from the proposed shop

should be made towards the building's terminal foul manhole, and that proper grease trap/tank should be provided for use by the said shop to satisfy current requirements of Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the shop was to be used for food processing.

84. The Committee also agreed to advise the applicant of Application No. A/K14/617 to :

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the proposed shop and services (bank/showroom/fast food shop/local provision store) use at the subject premises;
- (b) appoint an Authorised Person to submit alterations and additions proposal to the Building Authority to demonstrate compliance with the Buildings Ordinance, in particular: (i) adequate means of escape should be provided in accordance with Building (Planning) Regulation 41(1); (ii) the subject premises should be separated from the remaining portion of the premises with walls having 2-hour fire resistance period pursuant to Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction paragraphs 8.1 and 9; and (iii) provision of access and facilities for persons with a disability in accordance with Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008;
- (c) approach the Director of Food and Environmental Hygiene for application for food licence;
- (d) note the Director of Fire Services' comments that (i) the proposed bank and industrial occupancies should be completely separated from each other by suitable fire resisting construction and design; (ii) the proposed showroom should be used in connection with the main industrial use; and (iii) the proposed 'fast food shop' should be licensed as 'food factory' or 'factory canteen'; and



- (e) ensure that any proposed foul drainage connection from the proposed shop should be made towards the building's terminal foul manhole, and that proper grease trap/tank should be provided for use by the said shop to satisfy current requirements of Environmental Protection Department/Food and Environmental Hygiene Department, if any part of the shop was to be used for food processing.

#### **Agenda Item 14**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/K14/618            Shop and Services (Retail Shop)  
                          in "Other Specified Uses" annotated "Business" zone,  
                          Unit D1, G/F, Block II of Camelpaint Building,  
                          62 Hoi Yuen Road, Kwun Tong  
                          (MPC Paper No. A/K14/618)

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85.            The Secretary reported that Mr. Raymond Chan had declared an interest in this item as the application was submitted by Raymond Chan Surveyors Ltd. on behalf of Topgate Development Ltd. Mr. Raymond Chan was the Director of Raymond Chan Surveyors Ltd.

[Mr. Raymond Chan left the meeting at this point.]

##### **Presentation and Question Sessions**

86.            Mr. Silas K.M. Liu, STP/K, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop) use;
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) during the statutory publication period, two public comments were received expressing support/no objection to the application. One of the commenters considered that the applicant should ensure the provision of fire safety installations and means of escape to the satisfaction of the relevant Government departments; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The “OU(Business)” zone was intended for general business uses. The shop and services (retail shop) use at the application premises was considered generally in line with this planning intention. It also complied with TPB PG-No. 22D in that it would not induce adverse fire safety, traffic, environmental and infrastructural impacts to the developments within the subject building and the adjacent areas.

87. Noting that the current approval was granted on a permanent basis, a Member asked under what circumstances would the application be granted a temporary approval. Mr. Silas Liu explained that the proposed use in an existing industrial building falling within an “Industrial” zone should be granted on a temporary basis while that falling within “OU(B)” zone would be granted on a permanent basis. The Secretary said that it would be up to the applicant to apply for permission on a temporary or permanent use basis and the Board would consider the application based on the terms as submitted by the applicant. The Chairman added that some tenants might prefer to seek planning permission on a temporary basis to tally with their tenancy agreement. In response to a question from a Member, the Secretary explained that on fire safety aspect, it was necessary to check the number of valid approved uses and the area involved so as to ensure that the maximum permissible limit for aggregate commercial floor area under TPB PG-No. 22D would not be exceeded. If an applicant failed to comply with an approval condition, the planning permission would be revoked and the relevant floor space would no longer be counted towards the aggregate commercial floor area and new applications could be approved up to the maximum floor area. Noting that there was a time limit for commencement of development, the same Member asked if it would be possible for an applicant to safeguard his planning permission by implementing the

approved use for a few months and then discontinue his business. The Chairman said that the purpose of the time-limit clause was to ensure that the approved scheme would be implemented within a set period of time. Once the approved use had commenced, the planning permission was considered spent. Therefore, if the approved use was subsequently discontinued for a considerable period of time, a fresh planning application had to be made to the Board.

#### Deliberation Session

88. In response to a question from a Member, the Secretary said that the maximum permissible limit for aggregate commercial floor on G/F of an industrial building under TPB PG No. 22D was imposed because of fire safety concerns. In general, if the proposed development would result in an aggregate commercial floor exceeding the maximum permissible limit allowed for G/F of the industrial building, then the application would not be supported by the Fire Services Department.

89. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission was subject to the following conditions :

- (a) the submission and implementation of fire safety measures, including the provision of a means of escape completely separated from the industrial portion and fire service installations in the subject premises, within six months from the date of the approval to the satisfaction of the Director of Fire Services or of the TPB by 30.1.2011; and
- (b) if the above planning condition was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

90. The Committee also agreed to advise the applicant to :

- (a) apply to the District Lands Officer/Kowloon East for lease modification or temporary waiver for the shop and services (retail shop) use at the subject

premises; and

- (b) appoint an Authorised Person to submit building plans for the change of use and/or alterations works to demonstrate compliance with the Buildings Ordinance, in particular: (i) provision of 2-hour fire resisting separation wall/slab between the application premises and the remaining portion of the building in accordance with Building (Construction) Regulation 90; and (ii) provision of access and facilities for persons with a disability under Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008.

[The Chairman thanked Mr. Silas K.M. Liu, STP/K, for his attendance to answer Members' enquiries. He left the meeting at this point.]

**Agenda Item 15**

**Any Other Business**

91. There being no other business, the meeting was closed at 12:50 p.m.